

Atty. Docket No. GB920000092US1  
(590.169)REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks. Applicants intend no change in scope of the claims by the changes made by this amendment and have introduced no new matter to the specification.

Claims 1 - 56 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 20, and 39 are independent claims; the remaining claims are dependent claims. Claims 2-12, 15-18, 21-31, and 34-37 stand objected to because of an improper use of grammar. The claims in contention have been amended to address this issue. Reconsideration and withdrawal of this objection is respectfully requested.

Claims 2-12, 18, 21-31, 37, 40-50, and 55 stand rejected under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, the Action takes the stance that it is unclear in the claims what the Applicants regard as the invention since the claims merely name components for use in the system, but do not provide any claimed functionality to describe their usefulness. It is unclear to Applicants how the utility of the dependent claims is an issue under 35 U.S.C. 112, second paragraph. As stated in the section of the MPEP cited in the Action, an application would be deficient under 35 U.S.C. 112, second paragraph, if there are admissions that the

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inventor regards the invention different from what is claimed, or the scope of the claims is unclear. (MPEP 2106, Section V) It is respectfully brought to the attention of the Office that there is no admission, nor is there any suggestion, that the inventors regard the invention as different from the claimed invention. Additionally, the scope of the independent claims, upon which the claims in contention depend, is clear. Thus, because the dependent claims only further limit the scope of the independent claims, there is no suggestion that the scope of the claims in contention is unclear.

With regards to the rejection above, 35 U.S.C. 101 deals with statutory subject matter, requiring utility, novelty, and non-obviousness as standards for patentable subject matter. It is respectfully brought to the attention of the Office that the independent claims of the instant invention, upon which the claims in contention are dependent, all deal with statutory subject matter. This necessarily results in each claim dependent on those independent claims also dealing with statutory subject matter. Additionally, it is respectfully asserted that each of the dependent claims in contention further limit the independent claims. For example, the independent claims disclose a pair comprising a resource component and coordinator. By disclosing in a dependent claim that the resource component is, for example, a transaction manager, the invention is further limited with regards to what types of elements may be used as part of the independent claims. Reconsideration and withdrawal of the rejection is respectfully requested. If the rejection is not withdrawn, further clarification is respectfully requested.

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All claims stand rejected by 35 U.S.C. § 102(e) over Sen et al, hereinafter Sen, and over Huang et al., hereinafter Huang. Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

The instant invention comprises a method, an apparatus, and a computer program product in which heterogeneous processing systems are integrated. Specifically, a resource component and a coordinator pair achieve an agreement in a minimum of two stages. (Page 10, second paragraph) The first stage involves one of the resource component and coordinator pair queries the other for an indicator of the quality of service provisions they support. The second of the pair responds with the quality of service indicator, and the first of the pair determines whether this quality of service is acceptable. The first of the pair, in response to the prior determination, offers the second of the pair permission to join or not join in coordination. In response to this offer, the second of the pair requests a second quality of service indicator acceptable to the first of said pair. The first of the pair responds with the quality of service indicator, and the second of the pair determines whether to permit joining in coordination with the first of the pair. In response to such a determination, a quality of service provision is determined for the coordination.

As best understood, Sen is directed towards a system and method of providing multi-user communication over a network. A first user sends a communication request including their quality of service requirements. The second user responds with a negotiating message that includes the second user's quality of service requirements. If the requirements and available resources match, resources in both user's networks are

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reserved. Acknowledgements are then sent to indicate the complete of quality of service provisioning.

There is nothing in Sen to teach or suggest the integration of heterogeneous processing systems as set forth in the present invention. In Sen, the first user offers the second user quality of service information without receiving a query from the second user requesting quality of service information. However, in the present invention, each of the pair involved in determining whether coordination is possible only sends their quality of service information to the other of the pair in response to a query requesting such information.

Thus, there is no teaching or suggesting that Sen supports “responsive to said offering by said first one of said pair to permit joining in coordination with said second one of said second pair, requesting by second one of said pair a second indicator indicating a second quality of service acceptable to said first one of said pair”, and “responding by said first one of said pair with said second indicator” where the indicators are quality of service indicators (Claim 1, 20, and 39, emphasis added). It is respectfully submitted that Sen clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose sending the quality of service indicators of the users only after having been requested to do so. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” *W.L. Gore &*

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*Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

As best understood, Huang appears to be directed to a global resource manager of the nodes in a distributed data processing system. The manager conducts global quality of service negotiation and adaptation to determine if the arriving sessions for global processing are supportable by the nodes of the distributed data processing system. The resource managers of each specific node respond to the global manager with an indication of the ability to support the arriving system and the global resource manager acts accordingly with the arriving session.

There is nothing in Huang to teach or suggest the integration of heterogeneous processing systems as set forth in the present invention. In Huang, a global manager queries the nodes that are needed to process a new session to determine if they are able to support the new system. These nodes in turn query their child nodes if they are able to process the arriving system, and so on. Each node returns to its parent node an indication of their ability to support the arriving system, resulting in the global manager receiving an indicator from the nodes that it originally queried of their ability to support the arriving system. The global manager then makes the final determination of whether to support the arriving system. In the present invention, however, two different nodes query each other and each node uses quality of service information received from the other node to determine if they can support each other. In Huang, the global manager never offers the child nodes information regarding its quality of service in order to determine if the nodes should coordinate with each other.

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Thus, there is no teaching or suggesting that Huang supports "responding by said second of said pair with said first indicator" and "responding by said first one of said pair with said second indicator", where the indicators are quality of service indicators (Claim 1, 20, and 39). It is respectfully submitted that Huang clearly falls short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose the sharing of quality of service indicators in the coordinating pair. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

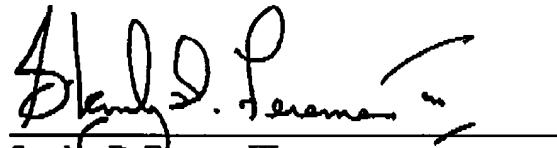
In view of the foregoing, it is respectfully submitted that Claims 1, 20, and 39 fully distinguish over the applied art and are thus allowable. By virtue of dependence from what is believed to be allowable independent Claims 1, 20, and 39, is respectfully submitted that Claims 2-19, 21-38, and 40-56 are also presently allowable.

The "prior art made of record" has been reviewed. Applicants acknowledge that such prior art was not deemed by the Office to be sufficiently relevant as to have been applied against the claims of the instant application. To the extent that the Office may apply such prior art against the claims in the future, Applicants will be fully prepared to respond thereto.

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In summary, it is respectfully submitted that the instant application, including Claims 1-56, is in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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